

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

JOSHUA SMITH and )  
MONICA POLCHES, )  
 )  
Plaintiffs, )  
 ) Docket no. 1:17-CV-320-GZS  
v. )  
 )  
TOWN OF MACHIAS, et al., )  
 )  
Defendants. )

**PROCEDURAL ORDER REGARDING  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

In his Reply in support of his Motion for Summary Judgment, Defendant Scull raises several issues regarding what evidence is properly part of the summary judgment record and further asks the Court to “deem all of the Defendant’s factual assertions to be admitted for the purposes of summary judgment [and] disregard the Plaintiffs” Statement of Additional Facts. (ECF No. 39, PageID # 355.) The Court hereby ORDERS Plaintiffs to file a Sur-Reply, of no more than ten (10) pages, addressing Section I of Defendant’s Reply by September 5, 2018. Specifically, Plaintiffs should address Defendant’s contentions (1) that the surveillance video of the incident was not properly disclosed to Defendant, and (2) that the video is otherwise inadmissible.

The Court also notes that Defendant makes reference in his brief to an affidavit by attorney Wall addressing the disclosure issue. (See ECF No. 39, PageID # 353.) The Court, however, is unable to locate this affidavit in the record. The Court will disregard the Reply’s citation to “Wall Aff.” and the assertions supported by this citation unless Defendant files this affidavit by August 27, 2018.

SO ORDERED.

/s/ George Z. Singal  
United States District Judge

Dated this 22nd day of August, 2018.